

भारत का राजपत्र

The Gazette of India



प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड-2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या वाली जाती है जिससे कि यह अंतर्गत संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th February, 1968:—

BILL NO. 164 OF 1967

A Bill to provide for the re-marriage of widowers.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Widowers' Re-marriage Act, 1967.

5 (2) It extends to the whole of India.

(3) It shall come into force at once.

2. A widower who intends to re-marry shall marry only a widow.

Short title,
extent
and con-
mencement.

Re-mar-
riage of
widower

(31)

Explanation.—(i) “widower” includes a male person whose marriage with his previous wife has been dissolved by a decree of divorce.

(ii) “widow” includes a female person whose marriage with her previous husband has been dissolved by a decree of divorce. 5

enalty. 3. Any person who contravenes the provisions of section 2 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, and the marriage so performed shall be void.

STATEMENT OF OBJECTS AND REASONS

With a view to ameliorate the plight of the widows and to improve their economic and social condition, it is necessary that the widowers should be restrained from marrying virgins. A widower should marry only a widow.

Hence this Bill.

NEW DELHI;

RAGHUVIR SINGH SHASTRI.

The 9th November, 1967.

BILL NO. 160 OF 1967*A Bill further to amend the Constitution of India*

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of article 4. 2. In article 4 of the Constitution, in clause (1), the words "and 5 the Fourth Schedule" shall be omitted.

Amendment of article 80. 3. In article 80 of the Constitution,—

(i) in clause (1), for sub-clause (b), the following sub-clause (b). the following sub-clause shall be substituted namely:—

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"(b) four representatives of each of the States and of the Union territories."

(ii) Clause (2) shall be omitted.

Omission of the Fourth Schedule. 4. The Fourth Schedule to the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The present heavy representation in the Council of States is unnecessarily extravagant. Besides, it does not reflect equality among the States and Union territories. But socialism, which has been accepted by our people and Parliament as the realizable goal for social development, demands that a curb should be put on this unnecessary extravagance and all the States and Union territories should be put on the footing of equality.

Hence the Bill for amending the Constitution for making it compatible with the requirements of socialism.

SHIVA CHANDRA JHA.

NEW DELHI;

The 13th November, 1967.

BILL No. 168 OF 1967

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1967. Short title
and Com-
mence-
ment.

5 (2) It shall come into force at once.

43 of 1951.

2. After section 7 of the Representation of the People Act, 1951, the following new section shall be inserted, namely:—

Insertion
of new
section
7A.

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"7A. (1) If a member, after he is elected to the House of the People or to the Legislative Assembly of a State, resigns from the party on whose ticket he contested the election, he shall be disqualified.

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(2) If an independent member, after being declared elected, joins a party or group in Parliament or the State Legislature, as the case may be, whose policy and programmes conflict with his election manifesto, he shall be disqualified:

Provided that such disqualification shall not debar the member from contesting the election to be held for filling the vacancy caused by the said disqualification or any other vacancy."

Disquali-
fication
for chang-
ing party
allegiance
etc.

STATEMENT OF OBJECTS AND REASONS

Recent floor-crossing by elected members in various State Legislatures has not only ushered in instability but has also created chaotic conditions in certain States almost paralysing the administration. In addition to this, such floor-crossing betrays the confidence reposed by the electorate in the elected members. The purpose of the Bill is to check this evil tendency of floor-crossing.

NEW DELHI;

GOVIND DAS.

The 22nd November, 1967.

BILL No. 167 OF 1967

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short Title. 1967.
- 5 2. In article 343 of the Constitution,—
 - (a) in clause (1),—
 - (i) for the word “language”, the word “languages” shall be substituted.

Amend-
ment of
article
343.

(ii) after the word "script", the words "and English" shall be added.

(b) clauses (2) and (3) shall be omitted.

Omission
of article
344.

3. Article 344 of the Constitution shall be omitted.

Amend-
ment of
article
345.

4. In article 345 of the Constitution,—

5

(i) for the word "Hindi", the word "English" shall be substituted;

(ii) the proviso shall be omitted.

Amend-
ment of
article
348.

5. In article 348 of the Constitution, clauses (2) and (3) shall be omitted.

10

Omission
of article
349.

6. Article 349 of the Constitution shall be omitted.

Substitu-
tion of
new
article for
article
351.

7. For article 351 of the Constitution, the following article shall be substituted, namely:—

Directive
for deve-
lopment
of the
Hindi
language
and
regional
languages.

"351. It shall be the duty of the Union to promote the spread of the Hindi language and regional languages, to develop them so that they may serve as a medium of expression for all the elements of the composite culture of India and to secure their enrichment by assimilating without interfering with their genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for their vocabulary, primarily on Sanskrit and secondarily on other languages."

STATEMENT OF OBJECTS AND REASONS

The controversy on the languages issue has become grave. There is a large section of the people in the country who desire that English should continue as the official language of the Union and are averse to Hindi being imposed on them. A unilateral imposition of Hindi may endanger the unity of the country. So it will be in the interest of the unity of the country that English is continued as the official language along with Hindi.

In States, English or the regional language should be the official language. The Hindi-speaking areas may correspond with the other States or with the Centre either in Hindi or in English. Non-Hindi areas should correspond with the Centre in English.

It is also necessary that the proceedings of the High Courts and Supreme Court are in English.

The Bill seeks to make provision for the above matters in the Constitution.

J. M. IMAM.

NEW DELHI;

The 23rd November, 1967.

BILL NO. 2 OF 1968

A Bill further to amend the Code of Civil Procedure, 1968.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short
title
and

commen-
cement.

Omission
of section.
87B.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1968.

(2) It shall come into force at once.

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2. Section 87B of the Code of Civil Procedure, 1908 shall be omitted.

5 of 1908

STATEMENT OF OBJECTS AND REASONS

Section 87B was inserted in the Code of Civil Procedure, 1908 *vide* section 12 of the Code of Civil Procedure (Amendment) Act, 1951 (II of 1951) with a view to accord special privileges and protection to the former Indian Rulers. That section is designed to perpetuate the remnants of the Feudal Order and is, therefore, an anachronism in a democratic and classless society. Further, this kind of provision runs counter to the letter and spirit of articles 15, 18 and 44 of the Constitution of India. The continuance of this section 87B in the Statute Book would create many complications and practical difficulties for the common people in proceeding against the former Rulers in appropriate cases. The proposed amendment is intended to rectify the anomalous situation as well as facilitate achieving the goal of classless society and equality before law for all citizens of India.

M. NARAYAN REDDY.

NEW DELHI:

The 1st December, 1967

BILL No. 1 OF 1968

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

- Short title.
1. This Act may be called the Constitution (Amendment) Act, 1968.

2. For article 343 of the Constitution, the following article shall be substituted, namely:—

Substitution of article 343.

- “343. (1) The official language of the Union shall be Hindi.
- (2) The official script of all the Indian languages shall be the Roman script, where necessary with suitable modifications.
- (3) The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.
- 10 (4) Notwithstanding anything in this article, Parliament may, by law, provide for the use of the English language and/or Devanagari form of numerals for such purposes as it may specify in the law.”
3. In article 344 of the Constitution, in clause (1), the words “specified in the Eighth Schedule” shall be omitted.
- 15
4. In article 351 of the Constitution, the words “specified in the Eighth Schedule”, shall be omitted.
5. The Eighth Schedule to the Constitution shall be omitted.

Official Language of the Union.

Amendment of article 344.

Amendment of article 351.

Omission of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Most of our people are non-ambulatory in abode. It is, therefore, essential that, not having one common language, they should at least have one common script, to enable those interested, in whichever part of the country they may live, to acquire self-taught knowledge of both, the languages in the rest of the country and the knowledge disseminated in writing through them.

The added advantage of adopting the Roman script is that we shall achieve this possibility not only with regard to the nation, but also with regard to the many languages in the world that use this international script.

With the large majority of our countrymen still illiterate, the advantages of one common script for both the language of the Union and all other Indian languages, with reference to cost and ease of mass education and mass communication, are quite clear.

With the accent on education through the mother-tongue, the need for equality of status for each and every language in the country becomes acute. As long as the Eighth Schedule contains only 15 of such languages, and constitutional amendment is required to place further languages on this Schedule, such equality is not easy to achieve. It is therefore, proposed to delete this Schedule altogether.

NEW DELHI;

ERASMO DE SEQUEIRA.

The 20th December, 1967.

BILL No. 169 OF 1967

A Bill to provide machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Film Industry Workers Act, Short titl.
1967. extent, com-
mence-
ment and applica-
tion.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to every establishment employing one or more workers in the Film Industry except the film industry establishments owned and managed by the Government. 5

2. In this Act, unless the context otherwise requires,—

(a) "Film Industry" includes production, processing, distribution and exhibition of films;

(b) "Government" means the Central Government;

(c) "Worker" means any person employed in any film industry establishment; 10

(d) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act. 14 of 1947.

15

CHAPTER II

WAGES, RETRENCHMENT, GRATUITY, RECOVERY, ETC.

Act 14 of
7 to
apply to
workers.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modification specified in sub-section (2) apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act. 20

(2) Section 25F of the aforesaid Act, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:— 25

(a) three months in case of workers who have been in continuous service for a period of not less than two years, and

(b) two months in case of other workers. 30

Special
provisions
in respect
of certain
cases of
retren-
chment.

4. Where at any time between the 14th day of August, 1962, and the 1st day of March, 1964, any worker had been retrenched, he shall be entitled to receive from the employer, in case of retrenchment, the same benefits as are conferred on a worker retrenched under section 3. 35

5. (1) Where—

Payment
of gra-
tuity.

(a) any worker has been in continuous service whether before or after the commencement of this Act, for not less than two years in any branch of the film industry,
and—

5

(i) his services are terminated by the employer in relation to the film industry for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or

10

(ii) he retires from service on reaching the age of superannuation; or

(iii) he voluntarily resigns from service;

(b) any worker dies while he is in service in any film industry, the worker or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months:

14 of 1947.

Provided that where a worker is employed in any establishment in film industry wherein more than one workers were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a worker employed in any such film industry for any period of service before such commencement shall be equivalent to—

(a) three days' average pay for every completed month of service in excess of three months, if the period of such past service does not exceed ten months;

(b) five days' average pay for every completed month of service in excess of three months, if the period of such past service exceeds one year, but does not exceed two years; and

(c) Seven days' average pay for every completed month of service in excess of six months, if the period of such service exceeds two years.

6. (1) The Government may, in the manner hereinafter provided— Fixation
or revision
of rates
of wages.

(a) fix rates of wages in respect of workers; and

- (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.
- (2) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

Procedure
for fixing
and
revising
rates of
wages.

7. For the purpose of fixing or revising rates of wages in respect of workers under this Act, the Government shall, as and when necessary, constitute a Wage Board which shall consist of—

- (a) two persons representing employers in relation to film industry;
- (b) two persons representing workers; and
- (c) three independent persons, one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by the Government as the Chairman thereof.

Explanation.—The representatives of the workers shall be appointed from amongst the Union or Association of the workers. 15

Recommendation
of Board.

8. (1) In making any recommendation to the Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the film industry in different regions of the country, and to any other circumstances which to the Board may seem relevant. 20

(2) The Board may recommend the rates of wages for time work and for piece-work.

(3) The recommendation of the Board for fixation of rates of wages shall be communicated, as soon as practicable, to the Government. 25

Powers of
Government
to enforce
recommendation
of the
Wage
Board.

9. (1) As soon as may be, after the receipt of the recommendation of the Board, the Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Government, do not effect important alterations in the character of the recommendations. 30

(2) Every order made by the Government under this section shall be published in the Official Gazette together with the recommendations of the Board relating to the order and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order. 35

Workers
entitled to
wages at
rates not
less than
those spec-
ified in
the order.

10. On the coming into operation of an order of the Government under section 9 every worker shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order. 40

11. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be levied and collected a fee for the purposes of this Act on the earnings of workers and employers at such rate, not exceeding one ⁵ per cent. in the case of workers and two per cent. in the case of employers, as may, from time to time be fixed by the Government.

(2) On the last day of each month or as soon thereafter or at the time of payment, whether in part or in full, of the remuneration of ¹⁰ workers, as may be convenient, there shall be paid to the credit of a fund to be known as the Film Industry Workers Welfare Fund (hereinafter referred to as the Fund) the proceeds of the fees after deduction of the expense, if any, for collection and recovery.

12. (1) The Fund shall be applied by the Government to meet the expenditure incurred in connection with measures which are, in ¹⁵ the opinion of the Government necessary or expedient to promote the welfare of or provide relief for workers who have either retired or are unemployed and are in indigent circumstances or to the deserving legal heirs of the workers who might have died while engaged in the production of a feature film in any capacity, or, if unemployed, ²⁰ are in a destitute condition.

(2) Without prejudice to the generality of sub-section (1) the Fund may be utilised to defray—

(i) the cost of measures for the benefit of workers;

²⁵ (ii) the cost of administering the Fund, the salaries and allowances, if any, of members of the Wage Board constituted under section 7 and salaries and allowances, if any, of officers appointed under section 13;

(iii) any other expenditure which the Government may direct to be defrayed from the Fund.

³⁰ (3) The Central Government shall have power to decide whether any particular expenditure is or is not debitible to the Fund and its decision shall be final.

13. (1) The Government may appoint such officers as it thinks necessary to administer the Fund or to supervise or carry out the ³⁵ activities financed from the Fund.

(2) Every officer so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Workers
Welfare
Fund.

Applica-
tion of
Welfare
Fund.

Appoint-
ment of
officers to
adminis-
ter the
Fund.

Recovery
of money
due from
an em-
ployer.

14. (1) Where any money is due to a worker from an employer, or any money so becomes due from any other person who succeeds to the title of the establishment in the film industry, under any provisions of this Act, whether by way of compensation, gratuity or wages, the workers may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a worker from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes ¹⁵ Act, 1947 or under any corresponding law relating to investigation ^{14 of 1947.} and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to ²⁰ the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

Hours of
work.

15. (1) No worker shall be required or allowed to work in any film industry for more than one hundred and sixty-eight hours during any period of four consecutive weeks, exclusive of the time for meals and leisure.

(2) Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

*Explanation.—*For the purpose of this section, 'week' means a period of seven days beginning at midnight on Saturday.

Employ-
ment in
shifts.

16. (1) Where work is required to be carried on for a period exceeding eight hours, workers will be employed in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day though by previous permission obtained from the appropriate Government, they may be so employed provided that the worker is paid overtime at the rate of three times the wage rates, specified in the order under section 9.

17. Every worker who has put in a service of six months shall be Leave. entitled every year to leave as follows:—

Casual Leave—21 days.

Sick Leave—21 days.

5 Earned Leave—1/11th of the period spent on duty.

CHAPTER III

WELFARE AND HEALTH

18. (1) In every place where film production work is carried on, Canteens. the employer shall be liable to provide for meals, refreshment, etc. 10 at the proper time.

(2) In every film industry wherein twenty-five workers or more are employed, the employer shall provide for a canteen, which shall be subject to the same rules and regulations as are applicable to restaurants, hotels and such other recreation centres under Factories

63 of 1948. 15 Act, 1948.

19. Rest rooms shall be provided and maintained by the employer Rest so as to be readily accessible to workers during all working hours, Rooms. in particular for workers who are required to work on night shift.

20. There shall be provided and maintained by the employer so as First-aid 20 to be readily accessible to workers during all working hours, a first- facilities. aid Box equipped with the prescribed contents in every film industry or every such place where it undertakes film production.

CHAPTER IV

APPLICATION OF CERTAIN ACTS TO FILM INDUSTRY WORKERS

20 of 1948. 25 The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if a film industry employee were a workman within the meaning of that Act.

22. The Employees' Provident Funds Act, 1952 as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section 1 thereof, and as if a film industry employee were an employee within the meaning of that Act.

Employer's liability for compensation.

23. (1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of Chapter II of the Workmen's Compensation Act, 1923.

8 of 1923.

(2) The payment of compensation in respect of a worker whose injury has resulted in death, shall be made to his or her heirs. 5

CHAPTER V

MISCELLANEOUS

Effect of laws and agreements inconsistent with this Act.

24. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act: 10

Provided that where under any such award, agreement, contract of service or otherwise, a worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the worker shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act. 15

(2) Nothing contained in this Act shall be construed to preclude any worker from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act. 20

Maintenance of registers, records and muster-rolls.

25. Every employer in relation to a film industry establishment shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed. 25

Appointment of Inspectors.

26. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions. 30

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

45 of 1860.

Any Inspector appointed under sub-section (1) may—

(a) enter any film industry establishment or any premises connected therewith; 35

(b) require any authority or person to produce any register, muster-roll or other documents relating to the employment of workers and examine such document;

5 (c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of this Act, or any other Act which is applicable to the film industry are complied with notwithstanding any other authority who may be empowered with the same powers or any part thereof.

27. (1) If any employer contravenes the provisions of this Act Penalty.
10 or any other law for the time being in force governing the film industry, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force.

15 (2) No Court shall take cognisance of an offence under this section unless the complaint thereof is made within two months of the date on which the offence is alleged to have been committed.

28. No suit, prosecution or other legal proceeding shall lie against Indemnity.
the Chairman or any other member of the Wage Board or an Inspector appointed under this Act for anything which is in good faith done or intended to be done in the course of his duties.

29. (1) The Government may, by notification in the Official Power to Gazette, make rules to carry out the purposes of this Act. make
rules.

25 (2) Every rule made by the Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Most of the workers in the film industry are employed through middlemen. The method of recruitment of workers is beset with several evils. Favouritism and nepotism are rampant and the workers are exploited in a variety of ways.

As rates of wages paid to workers are not laid down, there is keen competition. The workers are exploited by suppliers. There is insecurity of work. Under-employment, unemployment and low wages are perpetual.

The working hours for workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as leave, shift system, rest rooms, canteens and first-aid are not provided.

The Bill seeks to provide a machinery for fixation of wages and for improvement of working conditions of workers in the film industry.

NEW DELHI;

S. C. SAMANTA.

The 1st September, 1967

FINANCIAL MEMORANDUM

Clause 3 of the Bill applies the provisions of the Industrial Disputes Act, 1947, to workers in the film industry with certain modifications. Under that Act, Industrial Tribunals have to be appointed to decide disputes arising in the film industry. These tribunals, in some cases, would have to be appointed by the Central Government. This clause would, therefore, involve some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a recurring grant of rupees twenty-five thousand would appear to be necessary.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill when enacted. The matters in respect of which rules may be made relate to appointment of Wage Boards, administration of welfare fund etc. The delegation of legislative power is of a normal character.

BILL No. 166 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1967. Short title
and com-
mence-
ment.
- 5 (2) It shall come into force at once.

Insertion
of new
article
174A.

2. After article 174 of the Constitution, the following article shall be inserted, namely:—

Summon-
ing of
State
Legisla-
tive As-
sembly
on requi-
sition by
majority
of mem-
bers
thereto.

“174A. Notwithstanding anything in clause (1) of article 174, if a requisition to summon the Legislative Assembly of the State, signed by more than one-half of the total number of members of the Assembly, is received by the Speaker of the Assembly, he shall summon the Assembly to meet at such time and place as he thinks fit on any date not later than fifteen days from the date of receipt of such a requisition.”

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STATEMENT OF OBJECTS AND REASONS

A controversy has arisen as to who is competent to convene a meeting of a State Assembly. Conflicting claims have been advanced by Chief Ministers and on behalf of Governors. The continued support of a majority of the members of a State Assembly is the basis of a responsible Govt. When this is in doubt the issue should be settled on the floor of the Assembly and hence this Bill.

NEW DELHI;

The 24th November, 1967.

NATH PAL

BILL No. 6 or 1968

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title and extent. 1. (1) This Act may be called the Constitution (Amendment) Act, 1968.

(2) It shall come into force at once.

2. In article 74 of the Constitution, for clause (1), the following Amendment of article 74 clause shall be substituted, namely:—

5 " (1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions, whose strength shall not exceed one twelfth of the elected members of the House of the People".

3. In article 163 of the Constitution, for clause (1), the following Amendment of article 163 clause shall be substituted, namely:—

10 " (1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion, whose strength shall not exceed one twelfth of the elected members of the Legislative Assembly of the State".

STATEMENT OF OBJECTS AND REASONS

It is true that in a Parliamentary form of Government it is the privilege of the Prime Minister/Chief Minister to choose the members of the Council of Ministers. It is also his right to decide the total number of such Ministers in order efficiently to carry on the work of the Administration.

However, of late expansion of the Cabinet has been used by the ruling Congress Party to perpetuate itself in office and Opposition Parties too, now in power in several States, have been unable to resist the temptation of emulating this bad example.

In order to prevent the abuse of the privilege and right conferred by the Constitution under articles 75 and 164, it has now become necessary to restrict by a Constitutional amendment the size of the Council of Ministers both at the Centre as well as in the States.

Even under a written Constitution everything cannot be provided for by the provisions of the Constitution. Certain healthy conventions and rules of conduct have to be developed, and the ruling Party should take the lead in evolving them. However, the experience of the past 20 years shows that the initiative for this cannot come from the Congress Party. I am, therefore, compelled to introduce this Constitution Amendment Bill to fill the gap left by the failure of the political parties in India and, above all the Congress Party, to lay down healthy conventions in this regard. After all, addition of every new Minister means extra expenditure in terms of emoluments, allowances and amenities and restrictions on the size of the Ministries cannot but be welcomed by the tax-payers in this country.

NEW DELHI;
The 27th December, 1967.

MADHU LIMAYE.

BILL NO. 5 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1968.
Short title
and ex-
tent.
2. (2) It shall come into force at once.

Amend-
ment of
article 85.

2. In article 85 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but three months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session”.

Amend-
ment of
article 174.

3. In article 174 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit but three months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session”.

STATEMENT OF OBJECTS AND REASONS

The Constitutional dead-lock in West Bengal has been caused by the literal interpretation put on Article 164 by the Governor of the State and the literal interpretation put on Rule 15 of the Rules of Procedure of the West Bengal Assembly by its Speaker.

It was, perhaps, all right for the Governor to tell the Chief Minister that in his view he had lost the support of the majority in the Legislature and that he should clear up the position by affording an early opportunity to the Assembly to express its confidence or want of it in his Council of Ministers. However, it is one thing to make a suggestion and another thing to arbitrarily withdraw his 'pleasure' and dismiss the Government on the ground that in the opinion of the Governor it had become a minority Government.

As long as the six months period had not been exceeded it was highly improper for the Governor to force his views on the Chief Minister and threaten him with dire consequences in the event of the Chief Minister's failure to abide by his wishes.

It may perhaps be said that the six months period is too long and it is unjust to let a Government which has lost the support of the majority to continue in office for such a long period. By introducing this Constitution Amendment Bill, therefore, I have sought to reduce the interval between any two sessions either of the Union or of the State Legislatures. Under this Amendment it would be incumbent on the part of the Governor, acting on the advice of his Chief Minister, and President, acting on the advice of the Prime Minister, to summon sessions of the Legislatures in such a manner that not more than three months shall intervene between any two sessions of these legislative bodies.

The adoption of this provision will remove the very basis for the Governor's taking in future any precipitate and arbitrary action such as the dismissal of the Ministry. I have deliberately refrained from amending Article 164 because in a very extreme case a Chief Minister may be found to be in league with a State with which we are at war, thereby imperilling the security of the State, and in such a contingency extraordinary use of his power by the Governor may perhaps be justified and the legislature on being told of all the facts of the case and the irrefutable evidence will most probably uphold

the action of the Governor. But using 164 in such extreme cases is one thing and to dismiss a Chief Minister on the ground of his having refused to test his strength in an early meeting of the Assembly is another. The Governor has no *locus standi* as long as the Chief Minister has not exceeded the time limit of six months laid down by the Constitution. By reducing this period to 3 months the basis for Governor's arbitrary action will be knocked down and the Union and State Governments would be compelled to call more frequent sessions of the legislatures and thereby make parliamentary control over the executive much more effective.

NEW DELHI;

MADHU LIMAYE

The 27th December, 1967.

S. L. SHAKDHER,
Secretary.